[BY AUTHORITY.]

LAWS OF NEW JERSEY.

CHAPTER CCCXIII.

An act concerning the records of Notaries Public of other States and Territories.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That whenever the register or other book of any notary public appointed and qualified under the laws of any state or territory of the United States containing a record of the official acts of such notary public by him done in pursuance of his office shall have been, or shall hereafter be, in pursuance of the law of such state or territory, by reason of the death, removal or other disability of such notary public, deposited in the office of the clerk, prothonotary or recorder of deeds of the city or county in which the said notary public resided at the time of his acting as such notary public, a copy of such record or of any part thereof respecting the protesting of any note or bill of exchange protested by such notary public, and the time when, place where and upon whom demand of acceptance or payment was made, with a copy of the notice of non-acceptance or non-payment (if a copy of such notice shall appear on said record), how the notice of non-acceptance or non-payment was served, and time when, or if sent, in what manner, and the time when, and to whom, duly certified under the hand and seal of such clerk, prothonotary or recorder of deeds, or otherwise proved to be truly taken from said record, shall be held and received in all the courts of this state as conclusive evidence of the facts therein recited, and also of the official character of said notary public; and whenever it shall appear from such record that the said note or bill of exchange has been protested for want of acceptance or payment thereof, and that the said notary public making such protest had duly notified the drawer or endorsers, by mail, of the demand of payment or acceptance and refusal thereof, without specifying the names or the post office address of such drawer or endorsers, the copy of such record certified or proved as aforesaid, shall be held and receive in all the courts of this state as conclusive evidence that the drawer and endorsers of such note or bill of exchange were duly notified of such demand and refusal; provided, that the party offering the same shall have annexed a copy of such record to his declaration or other pleading, or shall at least twenty days before the trial of any cause where such record is to be offered in evidence, serve upon the opposite party or his attorney a notice that he intends to offer in evidence upon said trial such record or a copy thereof, setting forth the cause; and provided further, that any party may contradict by other evidence any of the matters appearing upon the said record in all cases where such party shall give notice of his intention so to do within five days after a service the notice mentioned in the first proviso of this section.

2. And be it enacted, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCXIV.

A supplement to the act entitled "An act to authorized the establishment, and to prescribe the duties of companies for manufacturing and other purposes," approved March second, eighteen hundred and forty-nine.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the provisions of the act, to which this is a supplement, shall be extended to such persons as may associate themselves into a company for the purpose of manufacturing butter and cheese and the business incident thereto.

2. And be it enacted that any company for the purpose of manufacturing butter and cheese, organized by virtue of this act, may commence business with a paid up capital stock of one thousand dollars.

3. And be it enacted, That all companies that may be established under this act shall possess all the general powers given by the act to which this is a supplement.

4. And be it enacted, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCXV.

An act to regulate the manufacture in this state of nitro-glycerine and its compounds.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That no person or persons or company shall be permitted within this state to erect, have or maintain, or cause to be erected, had or maintained, any establishment, building or manufactory, which shall be actually employed in manufacturing or storing nitro-glycerine, or any powder or material of which nitro-glycerine is an essential ingredient or forms a component part, within the distance of a quarter of a mile from any town, city, village or house of public worship; or within the distance of a quarter of a mile from any inhabited house, without the consent in writing of the occupant or occupants of such inhabited house as aforesaid; and every person or company so offending against the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to a fine not exceeding two thousand dollars.

2. And be it enacted, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCXVII.

An act for the Protection of Fisheries in this state.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That from and after the passage of this act, it shall not be lawful for any person or persons, with net, seine, trap, fike, gilling net, set net, pot or gun, to take or catch fish in any of the lakes or ponds of this state which may have been stocked by the fish commissioners of this state with fresh water fish; and any person or persons who shall take or catch any fish in any of such lakes or ponds of this state, in manner aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof, before any court having jurisdiction of such offence, shall be imprisoned in the county jail for a term not less than three months, or by fine not less than twenty-five dollars, nor exceeding one hundred dollars, or by both, such fine and imprisonment, at the discretion of the court before which such conviction shall be had; provided always, that such penalty shall not apply to the taking or catching of small minnows for bait, with a seine not over fifteen feet long, or to legitimate fishing with a hook, line and rod; provided further, no person shall use less than a four and half inch mesh in fishing for shad.

2. And be it enacted, That it shall not be lawful for any person or persons to take or catch, with hook and line, or with hook, line and rod, any fish whatsoever, from any of the lakes or ponds of this state which have been or which may hereafter be stocked by the fish commissioners of this state, for three years from the time the stock fish or spawn is introduced in such lakes or ponds, and any person or persons who shall violate the provisions of this section shall upon conviction, be punished as provided in the preceding section.

3. And be it enacted, That any lake or pond of this state which, before the passage of this act may have been stocked with fresh water fish, or which may hereafter be stocked with fresh water fish by any individual or individuals, as a private enterprise, shall come within the provisions of this act, and no fish shall be taken from any such lake or pond for three years from the time such lake or pond shall have been stocked, under the penalty as in the first section of this act provided.

4. And be it enacted, That hereafter it shall not be lawful for any person or persons to take or catch any brook trout in any of the streams of this state, before the first day of April or after the fifteenth day of August of each year.

5. And be it enacted, That it shall not be lawful for any person or persons to take or catch from any of the lakes or ponds of this state, any black bass or perch, between the first day of March and the first day of June in each year, and whoever shall be convicted of violating the provisions of this section, or of the preceding section, shall be punished as in the first section of this act provided.

6. And be it enacted, That hereafter it shall not be lawful for any person or persons, in any manner, to catch, take or carry away trout or other fish from any stream, pond or reservoir, belonging to any person, persons or corporation, except the owner thereof, which stream, pond or reservoir may have been stocked with fish by hatching the eggs or spawn, or otherwise, and any person so offending shall, upon conviction, be punished as in the first section of this act provided, and in addition thereto the person or persons so offending shall be liable to the owner or owners of such stream, pond or reservoir for the full value of all fish so taken or carried away, to be recovered in an action of debt before any court having jurisdiction thereof.

7. And be it enacted, That it shall not be lawful for any person or persons to place in any of the ponds, lakes, rivers or streams of this state or in any of the waters belonging to this state, any lime, gas-tar, coculus indicus (otherwise known as fish berries), or any other deleterious substance, or take or catch fish with any deleterious substance or medicated bait, nor shall any person or persons make use of giant or electric powder, or any explosive substance whatever, for the purpose of taking fish; and any person or persons offending against the provisions of this section of this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for a period not less than six months or more than two years, or by a fine not less than two hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment, at the discretion of the court before which such conviction shall be had.

8. And be it enacted, That of all penalties recovered under this act, one-half shall go to the informer, and the other half shall be paid to the clerk of the county in which the conviction shall be had, to be paid by him upon demand to the commissioner of fisheries in charge of the district in which such county may be located, which commissioner shall account for the same to the comptroller of the state.

9. And be it enacted, That it shall be lawful at any and at all times for any person or persons to legitimately take or catch with hook and line, or with hook, line and rod, any pike, or pickerel, or bass, in or from the bodies of water known as Lake Hopatcong and Stanhope reservoir, situate in the counties of Sussex and Morris, in this state, and the bodies of water known as Cranberry reservoir, Swartswood pond, Decker's pond and Culver's lake, situate in the county of Sussex, in this state, and none of the penalties contained in this act shall apply to such legitimate fishing as is provided for in this section.

10. And be it enacted, That this act shall take effect immediately.

Approvdd March 21, 1874.

CHAPTER DIV.

A supplement to the act entitled "An act to authorize certain townships, towns, and cities, to issue bonds and to take the bonds of the Montclair Railway Company."

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That hereafter the township committees, for the time being, of the township of Montclair, in the county of Essex, the township of Kearney, in the county of Hudson, and the township of Pompton, in the county of Passaic, respectively, shall be the commissioners provided for in the first section of the act to which this is a supplement, and shall discharge all the duties, and be subject to all the liabilities of such commissioners under said act.

2. And be it enacted, That so much of said act as is inconsistent herewith, is hereby repealed, and this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER DXXXVIII.

An act for the relief of the Township of Millburn.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That it shall be the duty of the Essex county public road board, and they are hereby directed and required to proceed with and complete the laying out, opening and construction of the avenue known as Springfield avenue, through the township of Millburn to the boundary line of the county of Essex, so that the same shall be constructed and completed on or before the first day of January, one thousand eight hundred and seventy-seven.

2. And be it enacted, That in case the said Springfield avenue shall not be constructed and completed in and through said township of Millburn, that then and thereafter, that is to say, from and after the said first day of January, one thousand eight hundred and seventy-seven, the said township of Millburn, and the inhabitants thereof, and all property in said township shall be exempt from all liability to taxation or assessment, or contribution, on account of any expenditures, indebtedness, or outlay made and created, or which shall be hereafter made and created by the said Essex county public road board, or for or by reason of any work or expenditure under their supervision.

3. And be it enacted, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER XLIX.

An act to set off from the Township of Belleville, in the County of Essex, a new Township to be called the Township of Franklin.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That all that part of the township of Belleville, in the county of Essex, beginning at the Passaic river, in the division line between lands of William H. Conover and lands of Joseph W. Hancock; and thence running a westerly direction in a direct line to the northeasterly corner of lands belonging to the estate of Thomas Van Winkle, deceased, and thence along the northerly boundary of said land to the Bloomfield township line, thence along the line of Bloomfield to the line between Essex and Passaic counties, thence easterly along the Passaic county line to Passaic river, thence southerly along Passaic river to place of beginning, shall be and is hereby set off from the township of Belleville, in the county of Essex, and made a separate township to be known by the name of the township of Franklin.

2. And be it enacted, That the inhabitants of the township of Franklin, in the county of Essex, shall be and are hereby constituted a body politic and corporate in law by the name of "The Inhabitants of the Township of Franklin, in the county of Essex," and shall be entitled to all the rights, powers, privileges and advantages, and shall be subject to all the regulations, government and liabilities to which the inhabitants of the other townships in said county of Essex are or may be entitled or subject by the laws of this state.

3. And be it enacted, That the inhabitants of the township of Franklin, shall hold their first township election at Military Hall, at Franklin, at the time and in the manner fixed by law for the annual township election in the said township of Belleville, and afterwards in each year at such place as the inhabitants of the said township of Franklin shall, at their preceding annual township meeting determine at the time fixed by law for the annual township election in the said township of Belleville.

4. And be it enacted, That at the first said township election, Robert Jutherson, Leonard Rusby, and James W. Sergeant shall act as judges of said election, and Stephen P. Vreeland as clerk of said election, and the said judges and clerk shall receive two dollars per day for their services, and the said judges shall give at least eight days' notice, in five of the most public places in said township, of the place and time of holding said election.

5. And be it enacted, That John Rusby, Charles F. Underhill and Henry B. Duncan shall be and they are hereby appointed commissioners on the part of the township of Franklin, and Anthony Francisco, John Spear and Theodore Sandford as commissioners on the part of the township of Belleville, and that the first meeting of said commissioners shall take place at the alms house in the said township of Belleville, at two o'clock in the afternoon of the fourth Tuesday of April, one thousand eight hundred and seventy-four, and afterward if necessary, at such times and places as the majority of those present may determine; and if any of said commissioners on the part of either of said townships should neglect or refuse to meet as aforesaid, those assembled may constitute said commission, and the decision of those present shall be final and conclusive.

6. And be it enacted, That the said commissioners shall at the time and place before mentioned proceed in writing, signed by a majority of those present, to allot and divide between the said townships of Franklin and Belleville all moneys on hand or due in proportion to the taxable property and ratables as taxed by the assessor at the last assessment, and to ascertain the just proportion of debts, if any there should be, to be paid by the inhabitants of the township of Franklin, and the said township of Franklin shall pay its proportion of the existing debt of the township of Belleville, if any there should be, at the time or times when payment, either in principal or in interest shall become due and payable.

7. And be it enacted, That it shall be the duty of said commissioners, and they shall have power to sell at public sale after giving sixty days' notice in at least five of the most public places in each township aforesaid, the alms house and the property connected therewith to the highest bidder, after which sale they shall proceed in writing signed by a majority of those present to allot and divide all moneys received by them from such sale between the said townships of Franklin and Belleville in proportion to the taxable property and ratables as taxed by the assessor at the last annual assessment.

8. And be it enacted, That the said commissioners, or a majority of them present, may convey the alms house and property connected therewith after the aforesaid public sale has been made to the purchasers thereof, and that their deed of conveyance to the purchasers thereof shall be deemed good and valid in law.

9. And be it enacted, That the said commissioners shall, when they have completed the said allotment and division, and shall have ascertained the proportion of said debts of the said township of Franklin, in writing, as aforesaid, prepare forthwith a duplicate of the same, and deliver one of said writings to the clerk of said township of Belleville, to be by him filed and preserved, and the other to the clerk of the township of Franklin for the same purpose.

10. And be it enacted, That nothing in this act contained shall be construed so as to interfere with or impair the commissions of the justices of the peace, or of the commissioners for the taking of acknowledgments or proof of deeds, until they shall expire by their own limitations, or so as to impair the rights of said townships.

11. And be it enacted, That the persons now aided or maintained in the said township of Belleville by virtue of any laws in regard to the poor, shall hereafter be chargeable under said laws to said townships of Belleville and Franklin, accordingly as such settlement or residence of such poor persons may have been within the limits of either township respectively, at the time when said persons became chargeable as aforesaid.

12. And be it enacted, That the said township of Franklin shall form a part of the third assembly district of the county of Essex as heretofore.

18. And be it enacted, That this act shall take effect immediately.

Approved February 18, 1874.

Miscellaneous Advertisements.

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